

President Reichart convened the public meeting of Hanover Borough Council on Wednesday, March 24, 2021 at 7:00 PM in the Hanover Borough Council Chamber, 44 Frederick Street, Hanover, PA, as advertised. The meeting was conducted in person and via Zoom Webinar with video presentation.

PRELIMINARY MATTERS & OFFICERS' REPORTS

President Reichart called the regular business of the meeting to order and asked all those in attendance to recite the Pledge of Allegiance followed by a moment of silence.

On roll call the following answered as present: Mr. Chesney, Mrs. Funk, Mr. Hegberg, Mr. Hoover, Mr. Kress, Mr. Lockard, Ms. Pranses, Mr. Reichart, Mr. Roland and Dr. Rupp; Mayor Whitman; Manager Dunford and Secretary Felix. Solicitor Shultis was not in attendance, but is available this evening by telephone.

Public Comment – None was presented.

It was moved by Mr. Chesney, seconded by Mrs. Funk to approve the following items on the consent agenda:

Consent Agenda

- Acknowledgement of Executive Session held at 6:15 PM prior to this evening's meeting regarding legal matters.
- Approve the minutes of the Council Meeting of February 24, 2021
- Finance
 - Approve Bills for Payment
 - Accept Monthly Financial Statement
 - Accept Monthly Investment Report
- Tax Exonerations: Ratify the actions of proper officers in approving exonerations of Per Capita Taxes for York Adams Tax Bureau and Berkheimer Tax Innovations for 2020
- Tuition Reimbursement Program: Approve agreements with Falyn Morningstar and her parents for reimbursing the Borough for tuition payments.
- "Stonewicke V" Residential Development: Approve Water Service Agreement for water system extension.
- Alcohol use at Good Field for certain events: Approve resolution No. 1317 allowing limited alcohol use.
- 2021 Sanitary Sewer Main Lining: Approve COSTARS contract with Mr. Rehab, LLC in the amount of \$ 336,111.76 for the 2021 Sanitary Sewer Rehabilitation / Lining Project.
- Letter of Engagement for Borough Council: Approve letter of engagement for Solicitor services with Salzmann Hughes
- Special Events – Approve Permit Applications:
 - Hanover Half Marathon – October 2, 2021
 - Zeichen Des Pferdes Bierhaus Grand Opening – April 2nd & 3rd, 2021
 - Food Drive – Army National Guard Moul Field/Rail Trail – April 17, 2021
- Sewer Billing Credit – Approve credit for Cam Innovation, Inc. - \$1,572.23
- CDBG Grant Approval – Approve Contracts for:
 - Baer Avenue Playground Improvements - \$60,000
 - Hanover Wirt Park Improvements - \$70,000
- Fishing Tournaments – Approve for Borderline Bass Anglers at Long Arm Dam
 - July 25, 2021
 - September 4, 2021
- Market House – Approve Stall Leases through 12/31/21
 - This is a Farmhouse – organic items and crafts
 - Union Cigars LLC – cigars
 - Diane Myers - crafts
- Recreation Field Use – Approve Agreements for:
 - Southwest York Outlaws Tournaments – Moul Field & Good Field
 - YAFFL, LLC – Multi-Purpose Field at Moul Recreation Complex (York – Adams Flag Football League)

Motion carried.

REPORTS OF THE STANDING COMMITTEES

Council Workshop/Finance & Personnel Committee – Dr. Rupp

It was moved by Dr. Rupp, seconded by Ms. Pranses to approve Ordinance No. 2311 entitled **"AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA AUTHORIZING THE EXECUTION OF A CABLE FRANCHISE AGREEMENT AND SIDE LETTER AGREEMENT BETWEEN THE BOROUGH AND SHENANDOAH CABLE TELEVISION, LLC."** On roll call, the following voted in favor of the motion: Mr. Chesney, Mrs. Funk, Mr. Hegberg, Mr. Hoover, Mr. Kress, Mr. Lockard, Ms. Pranses, Mr. Reichart, Mr. Roland and Dr. Rupp. Motion carried.

It was moved by Dr. Rupp, seconded by Ms. Pranses to fill the vacant position of Library Director at the Guthrie Memorial Library. Motion carried.

It was moved by Dr. Rupp, seconded by Mr. Hoover to approve Resolution No. 1318 entitled **"A RESOLUTION OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA ESTABLISHING PRIORITY OF UTILITY PAYMENTS."** Ms. Pranses voted in opposition to the motion. Motion carried.

It was moved by Dr. Rupp, seconded by Mr. Hoover to approve the purchase of the following vehicles:

- a. Purchase of police vehicles:
 - i. Marked interceptor - \$42,500
 - ii. Unmarked evidence transit - \$34,350
- b. Emergency purchase to replace front end loader for regional WWTP:
 - i. \$84,463 after insurance payments

Mr. Roland asked for the mileage of the police vehicles. He questioned the number of vehicles the Borough has, and how many working hours the vehicles are used. Mr. Roland asked about the front-end loader, hours used, etc.

Public Works Director Grimm responded that the police vehicles were budgeted items, and all fleet information was provided in depth during the budget presentation. Fleet management has a defined replacement plan. The use of the unmarked vehicles was lengthened. All of the police vehicles have close to \$100,000 mileage and they are driven 24/7. One of the police vehicles will be a straight trade-in, and one will go down through the fleet and cycle through the departments. He pointed out that the police vehicles are actually being ordered late in the year, and they will not arrive until 2022, so it is important to approve same.

Mr. Grimm noted the Borough owns 2 front-end loaders; one is used daily at the Wastewater Treatment Plant to move sludge, which is required for efficient operation of the plant; the other one is stored at the Public Works Department and is shared by all departments. It is a very versatile piece of equipment, and the one being replaced is 20 years old. The total price of a new front-end loader is \$311,000 and after insurance the Borough will pay \$84,463 for the new piece of equipment.

Mr. Chesney noted that due diligence on the overall Fleet Management Plan was completed less than 2 years ago, and much of the equipment at that time was in need of replacement due to age and wear and tear.

Mr. Lockard asked what corrective action was put into place after the accident with the front-end loader.

Public Works Director Grimm noted that there were three (3) interviews with the driver following the event and an accident investigation team was formed, at the suggestion of Manager Dunford. He thanked Council and Manager Dunford for the addition of the human resource department to help with similar issues and policies.

Mrs. Funk she is thankful that the employee operating the loader was not seriously injured, asked how many employees use this loader; Mr. Grimm replied only the most senior operators which the Union designates. Mrs. Funk thanked Mr. Grimm for his response.

Motion carried.

It was moved by Dr. Rupp, seconded by Mr. Chesney to approve Resolution No. 1319 for a lease-purchase agreement for a tandem axle rear load refuse truck for the public works department in the amount of \$239,968. Motion carried.

REPORTS OF THE STANDING COMMITTEES

Council Workshop/Finance & Personnel Committee – Dr. Rupp

It was moved by Dr. Rupp, seconded by Mrs. Funk to accept the donation of a public pavilion at Moul Field from the Kiwanis Club under the terms of the Agreement with The Hanover Public School District as field owner.

Motion carried.

It was moved by Dr. Rupp, seconded by Mr. Chesney to approve the application for Real Property Tax Exemption authorized by Ordinance No. 2281, as amended, for Local Economic Revitalization Tax Assistance (LERTA), submitted by Ilyes Holdings 4, LLC, 5 Codorun Run, York, PA for property located at 108 East Chestnut Street, in Hanover Borough, further identified as York County Tax Parcel 67-000-18-0195-00-00000.

Mr. Roland asked for assurance that the assessed value would be prior to any demolition, of which Finance Director Miller confirmed that there was stipulation for same provided in the LERTA ordinance, so that the current taxable assessed value would not be reduced for a demolished building valuation.

Motion carried.

It was moved by Dr. Rupp, seconded by Ms. Pranses to approve letter from the Solicitor to 3 Hogs, LLC. Mr. Roland commented he is disappointed with the action, but understands the situation.

Motion carried.

Planning Items – Mr. Hegberg

It was moved by Mr. Hegberg, seconded by Mr. Chesney to approve execution of service orders in the estimated amount of \$33,053.45 with Dowling Forestry and various subcontractors to perform 2021 Herbicide Treatment and Timber Sale activities, in accordance with the approved 2020 Comprehensive Forest Management/Stewardship Plan. Motion carried.

It was moved by Mr. Hegberg, seconded by Mr. Chesney to authorize the advertisement of a meeting of Hanover Borough Council to conduct a public hearing on the new Hanover Borough Zoning Ordinance on Thursday, May 6, 2021 at 6:00 PM, with intent to adopt said ordinance at the May 26, 2021 regular meeting of Hanover Borough Council.

Water & Sewer Committee – Ms. Pranses

Mr. Reichart noted that agenda item #1 has been removed at this time.

It was moved by Ms. Pranses, seconded by Mr. Chesney to approve the discontinuance of Voluntary Drought Restrictions on water usage since dam capacity has increased and spring rains are anticipated to further increase water levels.

Mrs. Funk noted that a letter was received from citizens about water shortages affected by the continued development, which affect water supply, and if the Borough would have need for concern. President Reichart urged this question to be addressed by the Water & Sewer Committee when Mr. Mehaffey is present, with a response back to all of Council.

Economic Development Committee – Mr. Hoover

It was moved by Mr. Hoover, seconded by Dr. Rupp to approve executing a contract with Passport for \$17,700 for the development and deployment of a mobile parking platform and a contract with MacKay Meters for \$7,085 for the purchase of a fixed location parking kiosk; and to approve the purchase of 4 new Verizon wireless enabled tablets (*through existing government contract*) for approximately \$720.00. Mrs. Funk voted in opposition to the motion. Motion carried.

Governance & Policy Committee – Mr. Lockard

It was moved by Mr. Lockard, seconded by Mr. Chesney to approve the following Personnel Policies:

- Americans with Disabilities
- Harassment
- Equal Opportunity

REPORTS OF THE STANDING COMMITTEES

Governance & Policy Committee – Mr. Lockard

Motion carried.

MAYOR'S REPORT

Mayor Whitman reported the following in her report for February 2021:

- February 11th: I attended the Library Board meeting. Later in the day, The Hanover Area Working Group met for the second time. In attendance were State Representative Kate Klunk, law enforcement, including Chief Martin, school district administrators, Penn Township Commissioners and myself. The biggest topic was COVID-19 vaccine distribution issues and the importance of prioritizing teachers and school staff for vaccinations.
- February 12th: York County Trail Towns chat and PowerPoint by David Gonzales and Silas Chamberlain was presented to Justine Trucksess of Main Street Hanover, Councilman Heath Chesney and myself. We all agreed this would be an exciting opportunity for the Hanover community and businesses. The next step is to present to Council for approval to begin moving forward with various studies.
- February 17th: A memorial stone was placed at Elm Avenue Playground in honor of Dennis and Pearl Wetzel for their lifetime commitment to the Borough of Hanover at the suggestion and request of Dr. and Mrs. Bowersox. The land where the playground is located was originally owned by the Wetzels. The Wetzels were very active in various volunteer organizations and were very giving. Thank you to AJ Grimm for all your persistent effort and the finalization of this project. Well done.
- February 23rd: I met with Dorrie to finalize and sign the LSA Program Grant Contract Extension Request.
- February 25th: I dealt with a concerned citizen's complaint with people not cleaning up after their dogs at Moul Field. Mr. Grimm is looking into more signage and the police are aware of the situation. That evening I attended an Exchange Club organizational meeting for the Healing Field. The Healing Field is an annual event honoring all the people who lost their lives during the September Eleventh 2001 terrorist attacks. This year marks the twentieth year commemoration. It is quite the sight to see as you approach West Manheim Elementary and see the sea of American flags. There will be many events during the week.

OTHER MATTERS

➤ **New Business**

It was moved by Mr. Roland, seconded by Mrs. Funk to approve the bidding of the hay harvest and grass mowing at the former landfill site pending solicitor review.

Mr. Grimm noted that the landfill site is to be vacated by the current tenant by May 29th; Mr. Roland was concerned about financial issues with the property. Mr. Grimm noted the Borough's ongoing problems with maintenance issues with the current tenant. The current tenant has no interest in maintaining the hay harvesting.

Motion carried.

➤ **Communications**

President Reichart formally acknowledged the executive session this evening regarding the pending PUC rate case.

Mrs. Funk asked for a bell to be installed at the side door of the municipal building in case the doors are locked, for Council attendance. Manager Dunford will address the situation.


➤ **Public Comment** – None was presented.

ADJOURNMENT

President Reichart thanked all for their cooperation and attendance this evening.

It was moved by Mr. Roland, seconded by Mrs. Funk to adjourn the meeting at 7:37 PM. Motion carried.

Respectfully submitted,


Dorothy C. Felix
Borough Secretary

NO. 2311
AN ORDINANCE

AN ORDINANCE OF THE BOROUGH OF HANOVER,
YORK COUNTY, PENNSYLVANIA AUTHORIZING THE
EXECUTION OF A CABLE FRANCHISE AGREEMENT
AND SIDE LETTER AGREEMENT BETWEEN THE
BOROUGH AND SHENANDOAH CABLE TELEVISION,
LLC.

WHEREAS, pursuant to Title VI of the Communications Act, the regulations of the Federal Communications Commission (the "FCC"), and Pennsylvania law, the Borough of Hanover (the "Borough") is authorized to grant franchises to construct, operate, and maintain a cable system utilizing public rights-of-way and properties within the Borough's jurisdiction; and

WHEREAS, the Borough and Shenandoah Cable Television, LLC ("Shentel") have engaged in negotiations regarding Shentel's provision of cable and other services within the Borough's jurisdiction, as more fully defined in the Cable Franchise Agreement and Side Letter Agreement; and

WHEREAS, Shentel has requested that the Borough grant to Shentel a franchise to maintain, construct, operate, and upgrade a Cable System over, under, and along the aforesaid rights-of-way for use by the Borough's residents; and

WHEREAS, the aforesaid rights-of-way used by Shentel are public properties acquired and maintained by the Borough and held in trust on behalf of citizens of the Borough and the right to use said rights-of-way is a valuable property right; and

WHEREAS, the Borough desires to protect and manage the aforesaid rights-of-way, require high standards of customer service, ensure future technical improvements to maintain a technologically advanced cable system, establish certain reporting requirements, obtain certain complimentary services, receive franchise fees for Shentel's use of the Borough's rights-of-way as provided by federal law, establish certain reporting requirements, and provide for the current and future cable-related needs of its residents; and

WHEREAS, the Borough has determined that Shentel has the financial, legal, and technical ability to provide cable services to subscribers located in the Borough; and

WHEREAS, the Borough has determined that the public interest would be served by granting to Shentel a franchise according to the terms and conditions contained in the to-be-approved and executed Cable Franchise Agreement and Side Letter Agreement (together, the "Agreements") negotiated between the Borough and Shentel.

NOW, THEREFORE, be it enacted and ordained as follows:

SECTION 1: GRANT OF FRANCHISE. The Borough Council of the Borough of Hanover does hereby approve the Cable Franchise Agreement, effective the 24th day of March, 2021; and Side Letter Agreement, effective the 24th day of March, 2021, including all of the terms and conditions contained therein, and does hereby authorize the execution of such Cable Franchise Agreement and Side Letter Agreement. A copy of the Cable Franchise Agreement is attached hereto and incorporated herein as Exhibit "A,"

and a copy of the Side Letter Agreement is attached hereto and incorporated herein as Exhibit "B."

SECTION 2: REPEALER. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 3: SEVERABILITY. The provisions of this Ordinance are severable. If any provision, sentence, clause, section, subsection or portion of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, subsections or portions of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section, subsection or portion thereof not been included herein.

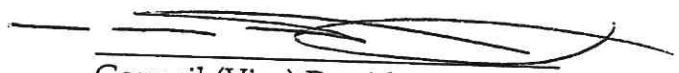
SECTION 4: EFFECTIVE DATE. This Ordinance shall become effective as of the date first indicated in Section 1: Grant of Franchise above.

DULY ENACTED AND ORDAINED by the Borough Council of Hanover Borough this 24th day of March, A.D., 2021.

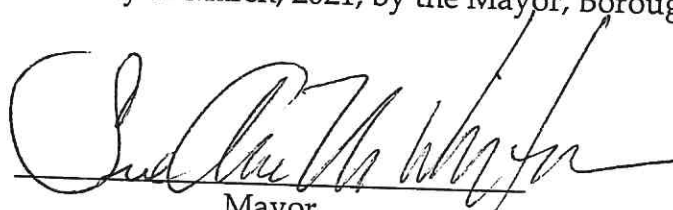
ATTEST:

BOROUGH OF HANOVER


Secretary


Council (Vice) President

APPROVED, this 24th day of March, 2021, by the Mayor, Borough of Hanover.


Mayor